

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE  
CITY OF AVON, OHIO HELD MONDAY, FEBRUARY 17, 2020  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

**PRESENT:** Council Members: 1<sup>st</sup> Ward – Bob Butkowski Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2<sup>nd</sup> Ward - Dennis McBride; 3<sup>rd</sup> Ward-Tony Moore; 4<sup>th</sup> Ward — Scott Radcliffe; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Service Director – Mike Farmer; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

1. PUBLIC HEARING FOR THE COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL GRANT AGREEMENT BETWEEN THE CITY OF AVON AND BENDIX CORPORATION Mr. Fischer

Chairman Fischer opened the Public Hearing at 7:30 p.m. to hear comments on this issue.

There being no comments, the Public Hearing for this issue was closed at 7:31 p.m.

2. ORDINANCE NO. 23-20 – AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT Mayor Jensen

Mayor Jensen invited Mr. Logan to speak briefly on items 2 & 3 together. He noted it was all reviewed in the Economic Development Committee prior to this Work Session.

Mr. Logan advised Ordinance No. 23-20 authorizes the execution of the community reinvestment area agreement. He said what the agreement states is a 90% property tax abatement on the improvements that would be installed for Bendix that is building and moving to Avon. That 90% abatement is for 14 years. The current estimate for each year of that property tax abatement is roughly \$1,111,000 per year based on the assumptions at today's property tax rates based on a \$55 million improvement. Bendix is bringing a minimum of 550 jobs to the City with an estimated payroll of approximately \$55 million. Mr. Logan stated that amount should only grow as their company grows as well.

3. ORDINANCE NO. 24-20 – AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH BENDIX COMMERCIAL VEHICLE SYSTEMS, LLC Mayor Jensen

Mr. Logan advised Ordinance No. 24-20 authorized the execution of a grant agreement with Bendix. This is an income tax agreement with Bendix Commercial Vehicle Systems, LLC. This grant agreement begins after the 14-year CRA abatement expires. In years 15-21, those seven years, the City will grant back or write a check to Bendix each year for 25% of the total income tax withheld from their employees at that time. Basically, it is the payroll tax; Bendix will pay that in throughout the year and withhold from all their employees and after the completion of each fiscal year, the City will compute and agree with Bendix what that 25% number is and issue a check back to Bendix. He stated it is called a grant agreement.

Mayor Jensen asked Mr. Moore to report on the results of the Economic Development Committee.

Mr. Moore, Chair of the Economic Development Committee, reported that the committee voted 3-0 in favor of bringing before Council as a whole, the incentive package for Bendix Corporation, which is Ordinance No. 23-20 and Ordinance No. 24-20.

Mr. Logan advised obviously the company, once they are in Avon and begin withholding and paying their income tax, every year there is incremental revenue to the City from day one when the company is here. He said it is

not a net zero and it is definitely a big boon revenue-wise to the City of Avon and it is going to be a great company to have here for many many years.

Mr. Fischer advised all members of Council were present for the Economic Development Committee meeting and he asked if there were any additional questions or comments.

No comments were made.

Mayor Jensen stepped out of the meeting briefly to speak with the representatives from Bendix as they were leaving.

4. ORDINANCE NO. 17-20 – AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT THE NORTHWEST CORNER OF JAYCOX ROAD AND MIDDLETON DRIVE, PERMANENT PARCEL NO. 04-00-022-101-021 Mr. Gasior

Mr. Gasior advised this is the northwest property on the corner of Jaycox Road and Middleton Road. Council has already authorized the Mayor to move forward with the purchase of the parcel on the southwest corner and he believes that transaction has been completed. He said there was a little hiccup with this parcel as far as dealing with a real estate agents' commission and that issue has been resolved and everything is ready for approval.

5. RESOLUTION NO. R-5-20 – TO ADVERTISE FOR BIDS FOR THE DOOVY'S STREET, JULIA AVENUE AND MIRIAM AVENUE PAVEMENT RESURFACING PROJECT Mr. Cummins

Mr. Cummins advised this is part of the 2020 pavement program and he is asking for authorization to go out to bid to resurface Doovy's Street, Julia Avenue and Miriam Avenue during the 2020 construction season.

Mrs. Holtzmeier asked since they were already in the Northgate Subdivision neighborhood for this project if they have looked at Old Colorado Avenue off of Carleen Avenue.

Mr. Cummins advised he has looked at Old Colorado Avenue in the past, but not recently as part of this project, but he is familiar with the area.

Mrs. Holtzmeier stated there are just four parcels that front on Old Colorado Avenue and the road dead ends into Northgate Park. She said the road is in dire need of some maintenance and repair as it is really falling apart. Last fall, she said there were a couple of residents specifically asking if they were forgotten regarding the pavement program. Mrs. Holtzmeier advised if they are planning on repairing streets in that neighborhood, she felt it was worth mentioning for our road surfacing program since they would be in that area.

Mr. Cummins advised he was certainly happy to bring that up with the Mayor (who stepped out of the meeting for a moment) and the rest of the Administration to see if it should be added onto this project.

Mrs. Holtzmeier stated she would be in favor of adding it.

Mr. McBride advised the south side of Old Colorado Avenue is very bad and he believed there was only one house on that section of the road. He said the north side does dead end into the park and that section of the roadway was spider cracked the last time he looked at it. Mr. McBride stated the north side of Old Colorado Avenue might be a candidate for a mill and fill, but the south side he felt was another matter. He said given the low usage of those portions of road, he felt there was another discussion that needs to occur with Mayor Jensen as to what is the long-term solution at that location particularly on the south side.

Mr. Cummins advised they looked at the south side before and the resolution was that the Service Department did some localized maintenance to it. He said he was happy to take a fresh look at it and have discussions to

see if that is how they want to handle it again this time or if they want to add it onto the bid as an alternate or it could be included as a part of this project.

Mr. McBride said as an alternate to the bid could be a good way to go.

Mr. Cummins advised then Council would have the choice whether they wanted to spend that extra money to do that additional work. He said they would receive a cost for the main bid and a cost for the alternate and the alternate would be fixing up Old Colorado Avenue and Council could make a separate decision on that if they wanted.

Mayor Jensen returned to his place in the meeting.

6. RESOLUTION NO. R-6-20 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY THOMAS J. NAGEL, SR., ET AL, TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 33294 DETROIT ROAD, PERMANENT PARCEL NO. 10-04-00-027-101-182 DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT CONSISTING OF 37.68 ACRES

A Public Hearing will be held at 7:25 p.m. on Monday, February 24, 2020

Mr. Gasior

Mr. Gasior advised Council has seen these before and this is another application being filed by a resident who is seeking to renew that exemption for another five years. He said the Ordinance itself recites everything there is to know about agricultural exemptions from the Ohio Revised Code and it is to comply with the requirements for the agricultural district application and he would be happy to answer any questions they might still have.

7. RESOLUTION NO. R-7-20 – TO ADVERTISE FOR BIDS FOR THE FRENCH CREEK ROAD PAVEMENT RESURFACING PROJECT

Mr. Cummins

Mr. Cummins advised this is a resolution to seek bids for the asphalt surface of French Creek Road from the municipal boundary to the west back to Detroit Road. This work would occur after the completion of the Briar Lakes sanitary sewer project, the pump station abandonment project. This work likely would not occur until around the beginning of September. The Briar Lakes project does not have an exact schedule yet, but he anticipates it getting started sometime in March and the project is scheduled to be complete by August 15<sup>th</sup> as that is the time established by contract. Mr. Cummins stated this resurfacing project would start around the beginning of September and be completed in the fall of 2020. He said this resolution is just asking for authorization to bid and they will go out and secure bids and come back to Council with the results of those bids seeking to enter into a construction contract.

Mr. McBride asked if there was any thought about doing an alternate to combine this work with the streets in the Northgate Subdivision and if a single contractor would be awarded both bids, they would receive a discount.

Mr. Cummins advised he does not see a good amount of value there as the timing is very different. He said they are looking to do the Northgate Subdivision streets early in the construction season. Mr. Cummins confirmed they are both asphalt projects, but said the timing is different enough that he does not see value in combining them.

8. RESOLUTION NO. R-8-20 – TO ADVERTISE FOR BIDS FOR THE VETERANS MEMORIAL PARK STORM SEWER IMPROVEMENT PROJECT PHASE 1

Mr. Cummins

Mr. Cummins advised this is a drainage project and as they know, the City of Avon purchased a piece of property that provides frontage onto Case Road. Case Road does not have a consistent drainage system along it as there is a combination of ditches and old field tile and the like. He said this project really sets up the future development of Veterans Park amenities. This provides a storm sewer outlet across property that is owned by the Fathers of St. Joseph, which is on the west side of Case Road and brings it back to Case Road. He said they had previously

put a pipe under Case Road before it was resurfaced, and they would tie into that pipe. Mr. Cummins stated as they lay out the drive and the amenities within the western portion of Veterans Park, this would provide a drainage outlet for those features. He said this legislation is just authorization to bid; they would come back to Council with the results of the bid and seeking a construction contract.

Mr. Butkowski believed we went out for bids a few years ago for a similar project at Veterans Park and he asked how this bid compares to that previous bid.

Mr. Cummins advised this is a portion of that overall project that was a very large project and deemed not financially able to do that all at once. He said they have now broken it up and this is one piece of that larger plan.

Mr. Butkowski asked for clarification that this is just the drainage and then the road outlet over to Case Road.

Mr. Cummins advised the road outlet would be a separate project. He said they had a layout for that and there has been reconsideration of what that layout should look like particularly with the integration of the Kurtz property on the north side of Veterans Park. Mr. Cummins stated they have engaged a landscape architect to lay some of those things out and have a fresh look at those and those would all happen as separate projects at a later time.

Mr. Fischer asked how many phases there were in total.

Mr. Cummins advised it depends on budgets and how they want to proceed with the rest of the improvements. He said they could do many things at once or they could have a more piece meal type of approach. Mr. Cummins stated he does not have a set answer.

Mayor Jensen advised this is the area outside of the park that Willoway Nursery is renting and they have been very understanding but their patience is wearing thin because they want this improvement and the City has made some commitments to help some of their property where it connects to help with some of the water issues. Willoway Nursery has some restrictions on when we can do certain things so if they can get this portion out of the way, the rest should go a lot easier.

## 9. REPORTS AND COMMENTS

MAYOR JENSEN thanked Council for their confidence in the Administration and their support of moving forward with bringing Bendix to Avon. He said this would not be made possible if it was not for the support of Council and seeing the big picture of what this is going to mean to our community. Mayor Jensen thanked his Administrative Assistant, Rose Seighman, for being at tonight's meeting as it has been a long 4 ½ years to get to this point with Bendix and Ms. Seighman realizes how much work everyone has put into it and how important it is. He thanked IT Technician, Aaron Jenkins, for being here tonight to make sure all the technology worked properly with the presentation earlier. It is a good day in Avon! Mayor Jensen advised in speaking with the representatives of Bendix they wanted to again express their appreciation to City Council for listening and making something they promised to their employees, to give them the very best place to come to work, come to fruition.

### COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MRS. HOLTZMEIER, AT LARGE advised she would like to recognize another good community partner in Commstar Credit Union. She said this past week there was a meeting with Commstar Credit Union who invited impacted property owners of the Elizabeth, Joseph, Puth and French Creek Road sewer projects to discuss options to provide a means for these residents to save and help finance those costs if needed. Mrs. Holtzmeier stated they appreciate community partners stepping up like that in looking to help our residents with their needs and not simply doing business in town, but really helping the members of our community. She said

that seems to be a good theme tonight. Mrs. Holtzmeier advised as we continue to listen to the residents and their concerns about these sewer projects, one learning that came out of it is that they, as the City, cannot overcommunicate about these projects. She said if anything, residents would be very well served by having another document that goes out to them showing them their amount due for their specific parcel and recognizing if they have made any payments and providing them that estimate for some of their own contractors they may have to hire. Mrs. Holtzmeier advised they should continue to provide another source of communication about those projects because it was very clear that the residents are interested and engaged and they want to continue to understand and if they can provide that for them that is unique to their parcel it will help them in this process.

Mrs. Holtzmeier advised she was happy to have the conversations about Bendix tonight.

MR. MCBRIDE, WARD 2 advised signage in the public right of way is getting bad again. He said the library is one of the biggest culprits right now. He said some signs have popped up in some inappropriate places and whether it belongs to the schools or the City or the library, it is not acceptable. Mr. McBride stated it is easy enough to knock on someone's door and ask if a sign can be placed on someone's property; it does not need to be in the right of way. He said there are a lot of political signs that end up in the right of way, thankfully not from this Council, but there are a lot of lazy people and he believes this is just laziness. The signs need to be placed where they are allowed and not just stick them in the ground everywhere.

Mr. McBride advised the other positive with Bendix coming to Avon is that he is sure once they are closer to moving in there will be a lot of employees looking for certain things to be available whether retail or restaurant or a wish list of some kind. He felt as more and more businesses locate along Chester Road, he would hope there is something to help develop those businesses. He said he is thinking of those little service businesses whether shoe repair, dry cleaner or whatever the case may be to make the lives of those employees easier. Mr. McBride hoped it would attract other businesses and retain other businesses and he was sure there is a wish list.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 said everything was positive news and he appreciates it.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE welcomed Bendix. He felt it was a great meeting earlier tonight and they are a very impressive company and he believes all of Council was impressed with how much they are committed to getting involved with the community. Mr. Fischer agreed Chester Road is going to explode with development and he feels those properties are going to sell quickly now that Bendix is committed.

#### DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MR. FARMER, SERVICE DIRECTOR had no comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR advised everyone here tonight should be proud of themselves regarding Bendix. She said the main reason they chose Avon is because Avon is a vibrant community and is an attraction for talent. Ms. Fechter reiterated that they all should be very proud of what they have here in the City.

MR. GASIOR, LAW DIRECTOR advised he is happy to see that Bendix is coming to town. He said he would wait until after the vote next week before he gets really excited.

MR. LOGAN, FINANCE DIRECTOR advised he is glad Bendix is coming. He said he was very happy to say two things in the meeting earlier. First of all that their main goal is the attraction and retention of

good employees. Secondly, Avon did not offer the highest financial incentive package to Bendix. Mr. Logan indicated it is nice to hear that given that they still chose Avon.

Mr. Logan advised in anticipation of doing an advance refunding as they have been discussing, Moody's is coming out to our City on February 27<sup>th</sup> to visit with a couple of representatives from the Chicago office. He said he is hopeful that after that meeting the City will be on its way to a better credit rating.

AUDIENCE:

Pat Jankowski of 1409 Hollow Wood Lane advised she recently served on the Board of Equalization to hear the appeals for the Special Assessments to the Elizabeth, Joseph, Puth, Detroit area. She commended Mr. Gasior and Mr. Cummins for their work preparing for those hearings. Ms. Jankowski stated they both were so good at explaining to the people. Some came forward with anger and frustration, but they left with a little more understanding. She said Mr. Gasior remarked to every person that City Council is working diligently trying to get some help for them. Ms. Jankowski advised they did a good job.

Mayor Jensen and Mr. Gasior thanked her for her service on the committee.

10. ADJOURN: 7:55 p.m.

There being no further business the Work Session of Council was adjourned.

PASSED: \_\_\_\_\_

SIGNED BY: \_\_\_\_\_

Brian Fischer, Council President

ATTEST: \_\_\_\_\_

Barbara Brooks, Clerk of Council